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EXAMINER				
BURCH, MELODY M				
ART UNIT		PAPER NUMBER		
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10/02/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/574,340

**Applicant(s)**

COOK, PAUL

**Examiner**

Melody M. Burch

**Art Unit**

3657

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 September 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 19-22, 24, 27-30 and 32-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 19-22, 24, 27-30, 32-37 and 41-43 is/are rejected.
- 7) ☒ Claim(s) 38-40 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/12/09 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 19-22, 27-30, 32-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6341422 to O'Donnell in view of US Patent 6435489 to Rice et al. and US Patent 3504508 to Bornzin.

Re: claims 19, 20, 27, 28, and 34-36. O'Donnell shows in figure 1 a vibration mounting comprising a base member 16 and/or fasteners (one of which shown in the area of 33b) for mounting to a mounting location and a support member 28 for supporting a load 18, the vibration mounting having a center line in the load bearing direction, wherein the support member is spaced apart from the base member in a load bearing direction by a vibration isolating element 30 of a resilient material, which

comprises material that extends outwardly from a central portion of the vibration isolating element secured to the base member via element 26 towards the support member wherein the material has an upper surface engaging the support member and at least one free surface shown to the left of the end of the lead arrow of number 30, and wherein the vibration mounting comprises a low friction lateral buffer means including a buffer member 44 being an arm of the support member extending from the support member towards the base member, the buffer member being spaced by a gap from a contact plate 34 affixed to the central portion of the vibration isolating element, wherein the buffer member contacts the contact plate when vibration displacements exceed a predetermined amplitude that causes the gap to close, and does not contact the contact plate when vibration displacements are less than the predetermined amplitude.

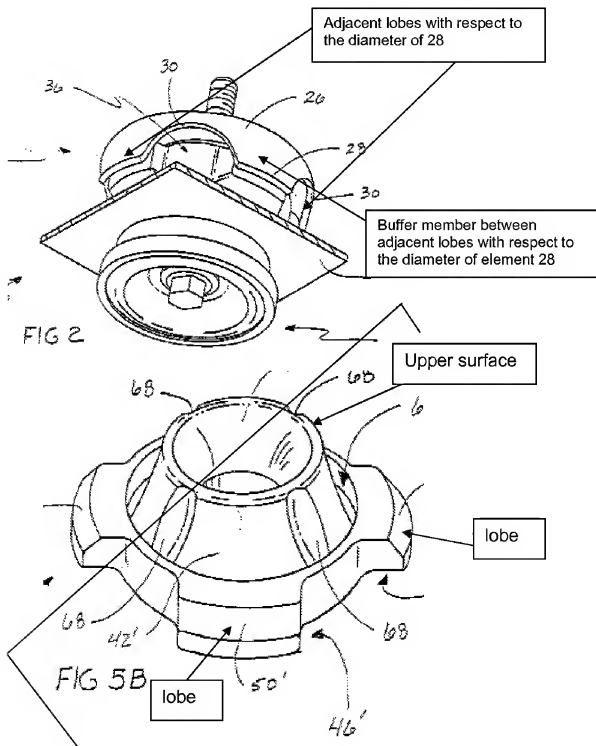
O'Donnell is silent with regards to the vibration isolating element comprising a plurality of lobes on each side of a plane passing through the center line wherein each lobe extends outwardly from a central portion of the vibration isolating element and also extends in a lateral direction different from that of other lobes.

Rice et al. teach in figures 1-3 and 4A a vibration mounting wherein the vibration isolating element comprises a plurality of lobes as labeled on pg. 4 of this action each lobe extending from the base member towards the support member and also extends in a lateral direction different from that of other lobes.

Re: claims 21 and 22. O'Donnell, as modified, teach in O'Donnell the limitation wherein the vibration isolating element is secured to a raised portion or the fastener

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portion of the base member by way of element 26, and the resilient material extending at an angle to the base member, an outward end, particularly and axially outward end, of the resilient material engaging a corresponding portion of the support member.



It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the vibration isolating element of O'Donnell to have comprised a plurality of lobes, as taught by Rice et al., in order to provide a resilient buffer between the support member and the base member while utilizing a reduced amount of material compared to using a completely annular piece of material in order to achieve a cost savings.

O'Donnell, as modified, is silent with regards to the buffer means being a low friction buffer means.

Bornzin teaches in col. 4 lines 3-5 the use of a low friction buffer means in the form of an object made of nylon. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the buffer means of O'Donnell, as modified, to have included the contact plate or the buffer member to have been made of nylon to form a low friction buffer means, as taught by Bornzin, in order to provide a means of preventing wear from continuous contact actions.

Re: claims 29, 41, and 42. O'Donnell, as modified, teach in O'Donnell the vibration mounting further comprising a secondary buffer or gap between 30 and 35 for further increasing resistance to displacement beyond a second predetermined amplitude of vibration displacement in the first lateral direction.

Re: claim 30. O'Donnell, as modified, teach in O'Donnell a load bearing direction buffer or the gap between 46 and the top of 34 for increasing resistance to displacement of the support member relative to the base member in the load bearing direction.

Re: claims 32 and 33. O'Donnell, as modified, teach in O'Donnell the limitation wherein the load bearing direction buffer comprises a first load bearing direction buffer for increasing resistance to a positive displacement beyond a positive displacement threshold or the interaction between 46 and the top of element 34 and a second load bearing direction buffer or the interaction between 26 and 30 in the area near the end of the lead line of number 52 for increasing resistance to a negative displacement beyond a negative displacement threshold.

4. Claims 19, 24, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 2162714 to Hamblin in view of US Patent 6435489 to Rice et al. and US Patent 3504508 to Bornzin.

Re: claims 19 and 27. Hamblin shows in figure 3 a vibration mounting comprising a base member 11' for mounting to a mounting location and a support member 19 for supporting a load 10', the vibration mounting having a center line in the load bearing direction, wherein the support member is spaced apart from the base member in a load bearing direction by a vibration isolating element 16' of a resilient material, which comprises material that extends outwardly from a central portion of the vibration isolating element secured to the base member towards the support member wherein the material has an upper surface engaging the support member and at least one free surface, and wherein the vibration mounting comprises a lateral buffer means including a buffer member being an arm of the support member shown to the left of the end of the lead line of number 21 extending from the support member towards the base member, the buffer member being spaced by a gap 21 from a contact plate 20 affixed to

the central portion of the vibration isolating element by way of element 11', wherein the buffer member contacts the contact plate when vibration displacements exceed a predetermined amplitude that causes the gap to close, and does not contact the contact plate when vibration displacements are less than the predetermined amplitude.

Hamblin is silent with regards to the vibration isolating element comprising a plurality of lobes on each side of a plane passing through the center line wherein each lobe extends outwardly from a central portion of the vibration isolating element and also extends in a lateral direction different from that of other lobes.

Rice et al. teach in figures 1-3 and 4A a vibration mounting wherein the vibration isolating element comprises a plurality of lobes as labeled on pg. 4 of this action each lobe extending from the base member towards the support member and also extends in a lateral direction different from that of other lobes.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the vibration isolating element of Hamblin to have comprised a plurality of lobes, as taught by Rice et al., in order to provide a resilient buffer between the support member and the base member while utilizing a reduced amount of material compared to using a completely annular piece of material in order to achieve a cost savings.

Hamblin, as modified, is silent with regards to the buffer means being a low friction buffer means.

Bornzin teaches in col. 4 lines 3-5 the use of a low friction buffer means in the form of an object made of nylon.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the buffer means of Hamblin, as modified, to have included the contact plate or the buffer member to have been made of nylon to form a low friction buffer means, as taught by Bornzin, in order to provide a means of preventing wear from continuous contact actions.

Re: claim 24. Hamblin, as modified, teaches in Hamblin pg. 1 lines 3-4 the use of the vibration isolating element comprising an elastomeric polymer or rubber. With respect to the limitation of the vibration isolating element being formed by injection molding, it is noted that the patentability of a product claim does not depending on its method of production. See MPEP 2113. "...We are therefore of the opinion that when the prior art discloses a product which reasonably appears to be either identical with or only slightly different than a product claimed in a product-by-process claim, a rejection based alternatively on either section 102 or section 103 of the statute is eminently fair and acceptable. As a practical matter, the Patent Office is not equipped to manufacture products by the myriad of processes put before it and then obtain prior art products and make physical comparisons therewith." *In re Brown*, 459 F.2d 531, 535, 173 USPQ 685, 688 (CCPA 1972).

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 37 and 43 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 6435489 to Rice et al.

Re: claims 37 and 43. Rice et al. show in figures 1-3 and 4A a vibration mounting comprising a base member 16 for mounting to a mounting location and a support member 26 for supporting a load, the support member being spaced apart from the base member in a load-bearing direction by a vibration isolating element 36 of a resilient material, wherein the vibration isolating element comprises a plurality of lobes as labeled on pg. 6 of this action each lobe extending from the base member towards the support member and also extends in a lateral direction different from that of other lobes, wherein the support member comprises at least one buffer member or portion shown in the area at the end of element number 28 extending towards the base member between adjacent lobes (adjacent with respect to the diameter of the of element 28) of the vibration isolating element such that the buffer member contacts a resilient material buffer shown in the area of element number 46 secured to the base member when vibration displacements exceed a first predetermined amplitude in a first lateral direction, and wherein the base member includes an upwardly extending portion or the top half of element 16 as shown in figure 1 which extends into the vibration isolating element and a transverse pin member 64 which is transverse with respect to the top surface of element 16 secured to the support member, extends through openings in the upwardly extending portion of the base member and through an inverted U-shaped channel shown in the area of the end of the lead line of number 40 in figure 3 formed in the vibration isolating element underneath the upwardly extending portion of the base

member (it is noted that a portion of element 40 extends below the upwardly extending portion of the base member as shown in figure 1).

***Allowable Subject Matter***

7. Claims 38-40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

8. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melody M. Burch whose telephone number is 571-272-7114. The examiner can normally be reached on Monday-Friday (6:30 AM-3:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi can be reached on 571-272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

mmb  
September 28, 2009

/Melody M. Burch/  
Primary Examiner, Art Unit 3657